

REMARKS

Claims 10, 11, 36 and 41-62 are currently pending. Claims 58-62 have been amended to correct the preamble from "A server computer" to "A server" to be consistent with the base claim 57. Claims 1-9, 12-35 and 37-40 have been cancelled. The applicant reserves the right to present claims 1-9, 12-35 and 37-40 in a continuation or a divisional application.

In the Office Action, the Examiner rejected claims 10, 11, 36 and 41-62 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,279,112 to O'Toole et al. in view of U.S. Patent No. 5,825,883 to Archibald et al. and further in view of U.S. Patent No. 6,304,857 to Heindel et al. The Examiner argues that Archibald discloses aggregating the content data objects that were selected in response to the request from the user at Col. 3, lines 56-67. The applicant has reproduced the cited section of Archibald below.

FIG. 1 illustrates a communication system 10 that includes a network 12 that is coupled to a local area network (LAN) or wide area network (WAN) 14, a set top box 30, a meter module 26, a collection agency 35, software publishers 36-38, a digital library publisher 40, and a video publisher 42. The network 12 may be any available network that couples digital devices--such as computers, television sets, telephones, facsimile machines, etc.--together. For example, the network 12 may be the Internet, public telephone switch network (PTSN), satellite network, or any other type of networking medium.

The applicant respectfully disagrees with the Examiner's interpretation of Archibald. The portion of Archibald cited by the Examiner merely discloses the physical structure of the data system. Archibald does not disclose aggregating of content data objects. Because the cited references do not disclose all claim limitations, the applicant submits that the rejection of claim 10 under 35 U.S.C. 103(a) is improper. Claims 11 and 41-45 depend from claim 10 and for these


same reasons, the applicant submits that they are not unpatentable under 35 U.S.C. 103(a) in view of the cited prior art. Claims 36 and 46-61 also include an aggregating claim limitation and for the reasons discussed above, the applicant submits that these claims are also not unpatentable under 35 U.S.C. 103(a) in view of the cited prior art.

The Examiner is encouraged to call the undersigned if there are any questions or comments at (415) 705-6386. The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication or credit any overpayment to Deposit Account No. 04-0822.

Respectfully submitted,  
DERGOSITS & NOAH LLP

Dated: September 11, 2008

By: \_\_\_\_\_

  
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